

DETAILED ACTION

1. Claims 20-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention. Election was made **without** traverse in the reply filed on 7/29/09.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 17, 19, and 23, as newly presented, are rejected under 35 U.S.C. 102(b) as being anticipated by Borda '376.

Borda teaches a load securing device (figures 4 and 5) defining a longitudinal axis and a load bearing surface (e.g. load engaging face of element 30). The device defines first and second body portions (e.g. the left and right portions of element 30 as viewed in figure 4) and a perpendicular rib (32) extending as broadly claimed.

Claim 17, note notch 40 formed between the body portions. The notch is adapted to engage a ring and flexible member as broadly claimed. Note for example, a link of chain 18 would define a “ring” – see figure 5. The remainder of the chain reads on a flexible member as broadly claimed. Additionally note, in as much as the ring and flexible member per se are not positively recited elements of the instant claimed combination, the functional language relating thereto is given little patentable weight.

Claim 19, the device is configured as broadly claimed.

Claim 23, the notch 40 securing on of the chain links (i.e. a "ring") is deemed to define means for securing as broadly claimed.

4. Claims 17-19 and 22, as newly presented, are rejected under 35 U.S.C. 102(b) as being anticipated by McNaughton.

Note load securing device body (16) with a longitudinal axis and load bearing surface (e.g. the bottom surface of 6) as broadly claimed. Perpendicular rib extends as broadly claimed and separates the body into first and second portions (i.e. the portion of element 6 behind rib 9 as seen in figure 3 defining a second body portion and the portion of element 6 in front of rib 9 as seen in figure 3 defining a first body portion).

Claim 17, opening 10 is capable of receiving a ring and attached flexible member and reads on a notch as broadly claimed. Note, in as much as the ring and flexible member per se are not positively recited elements of the instant claimed combination, the functional language relating thereto is given little patentable weight.

Claims 18 and 19, the device is configured as broadly claimed.

Claim 22, at least elements 8 define protrusions and are capable of operation as broadly claimed.

5. Applicant's remarks with respect to the rejected claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gordon whose telephone number is (571)272-6661. The examiner can normally be reached on Monday, Tuesday, Thursday, and Friday from 8:00am to 4:00pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen Gordon/
Primary Examiner
Art Unit 3612

stg